

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER DISASTER :
SITE LITIGATION :
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**ORDER SUMMARIZING STATUS
CONFERENCE AND SETTING
NEXT CONFERENCE**

21 MC 100 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

This order summarizes the status conference held January 9, 2012.

1. Of the 85 Plaintiffs who chose not to settle their cases, as of January 9, 2012, 32 cases remain. (The others stipulated to the voluntary dismissals of their cases, presumably to enter the renewed Zadroga Act Victim Compensation Fund.)
2. Of the cases that were chosen to move to trial, eight remain—two chosen by Plaintiffs, three chosen by Defendants, and three chosen by the Court. Five of these cases are in Tier IV; one is in Tier II; two are in Tier I.
 - a. I will have an informal meeting with liaison counsel in chambers on March 20, 2012 at 2:30 p.m. to discuss the details of these eight cases, in particular those in the Tier IV category.
 - b. By this meeting on March 20, 2012, all medical information that can be obtained regarding these Plaintiffs shall be obtained. Rule 35, Fed. R.Civ.P., examinations of these Plaintiffs are being scheduled; one has been conducted to date, and the remaining are to be completed before March 20.
 - c. After this March 20 meeting, the parties shall focus on indentifying experts, exchanging reports, and developing a procedure for Daubert

hearings. To start this process, Plaintiffs' Liaison Counsel shall identify five or fewer witnesses whose depositions are considered important for this process.

3. As to suits filed against the City after the April 12, 2010 eligibility date provided by the Settlement Process Agreement, As Amended ("SPA"), 57 cases are outstanding. All answers to the court-ordered interrogatories for all pending cases should be completed by March 20, 2012.
4. Counsel for the WTC Captive Insurance Co. provided an update on the status of the settlement:
 - a. The Allocation Neutral and Appeal Neutral have completed claim evaluations, necessary for a final distribution.
 - b. The final payment draft report is currently with Plaintiffs' counsel, who will give the report a thorough review and return it to the Allocation Neutral the next day. The Allocation Neutral will then recheck the report and approve it.
 - c. Final payments should be wired within the next two weeks.
 - d. The Court's decision regarding bonus payments is on appeal to the Second Circuit. Also, Plaintiffs' counsel have appealed the denial of attorneys' fees. Final briefing on the appeal is due May 18, 2012. The WTC Captive will have plans in place to swiftly carry out the Second Circuit's decision, once rendered.
 - e. The SPA provides for the payment of contingent payments for future claims, based in part on the number of new debris removal claims. As of the First Contingent Payment Determination Date, January 5,


2012, no contingent payments were made. The reason is the large number of new claims.

5. The next meeting with Liaison Counsel shall be held on March 20, 2012 at 2:30 p.m. in chambers.

SO ORDERED.

Dated:

January 17, 2012
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge